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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,492	08/20/2001	David R. Hembree	00-0625.1	6973
22823	7590	01/26/2009		
STEPHEN A GRATTON THE LAW OFFICE OF STEVE GRATTON 2764 SOUTH BRAUN WAY LAKEWOOD, CO 80228			EXAMINER CHU, CHRIS C	
			ART UNIT	PAPER NUMBER
			2815	
			MAIL DATE	DELIVERY MODE
			01/26/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: DAVID R. HEMBREE and ALAN G. WOOD

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Application No. 09/933,492  
Technology Center 2800

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Mailed: January 26, 2009

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Before Deborah L. Perry, Supervisory Paralegal Specialist.  
Perry, Supervisory Paralegal Specialist

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

REPLY BRIEF

Appellant(s) filed a Reply Brief dated December 24, 2008. There is no indication on the record that the Reply Brief has been considered or acknowledged.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider and/or acknowledge the Reply Brief, filed December 24, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP

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